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MOTOR CARRIER COMMISSION

Performance Plan 2001-2001 2002-2003

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Table of Contents

Performance Planning Overview 1

Commission Profile 1

- Overview 1
- Structure 1
- 2001/2002 Budget 2

Strategic Context 2

- Statutory Mandate 2
- Vision 2
- Mission 3
- Values 3
- Environmental Scan 3

Key Strategies & Performance Measures 8

- Commission Goals 8
- Fair and Timely Decisions 8
- Meeting the Objectives of the *Motor Carrier Act* 10
- Stakeholder Cooperation to Enhance Motor Carrier Regulation 14

PERFORMANCE PLANNING OVERVIEW

The Motor Carrier Commission has produced a performance plan for the 2001/2002 fiscal year to formalize its planning processes and meet the requirements of the *Budget Transparency and Accountability Act.*

The 2001/2002 Operating Budget is presented on a fiscal year basis, starting April 1 and ending March 31. All other numerical or statistical information is presented according to the Commission's licensing year. As set out in the *Motor Carrier Act*, the licensing year starts March 1 and ends the last day of February.

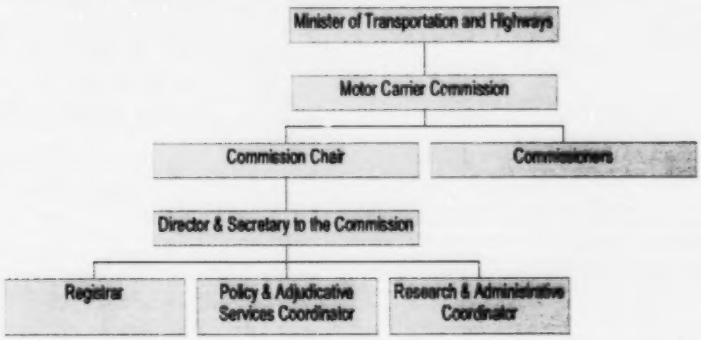
COMMISSION PROFILE

Overview

The Motor Carrier Commission is an independent regulatory and adjudicative body that has been administering motor carrier activities in British Columbia since it was established in 1973. It regulates and licences motor carriers such as taxis, limousines and buses that transport passengers for direct or indirect compensation. The Commission's performance plan has been developed with the aim of fulfilling its statutory mandate, as set out in *the Motor Carrier Act.*

Structure

The Commission is comprised of a Chair, Deputy Chair, and a number of Commissioners who all serve on a part time basis. Commissioners make decisions on licences, permits, show cause hearings, and complaint hearings. They provide direction to the Insurance Corporation of British Columbia (ICBC) on the investigation of applications, incidents and complaints. They also develop general policy relating to the motor carrier industry. The Commissioners are supported by a small office in Victoria, and a Special Assistant to the Chair in Burnaby. Commissioners make decisions independently of government. The following organizational chart provides an overview of the structure of the Commission itself.



The Insurance Corporation of British Columbia helps the Commission carry out its mandate by providing compliance, enforcement, licensing and administrative services. It has agreed to provide these services in a memorandum of understanding (MOU) with the Commission. ICBC operates the Motor Carrier Department with headquarters in Burnaby and five regional offices elsewhere in the province. In

addition, some motor carrier services are provided by ICBC through its Regional Operations and Compliance Operations, including its weigh scales and National Safety Code office. For the most part, ICBC's Motor Carrier Department is the operational arm of the Commission and deals directly with licensed and prospective motor carriers.

This performance plan sets out strategies that relate to functions that are within its direct control. These include functions such as licensing decisions, public hearing processes and policy development. It also addresses the Commission's monitoring and management of services and standards as agreed to by ICBC in the MOU.

2001/2002 Budget

The Commission's 2001/2002 operating budget is summarized below.

Total Salaries and Benefits	304,000
Total Operating Costs	328,000
Recoveries	(1,000)
Total 2001/2002 Expenses	631,000

The Commission's budget represents a portion of the budget for the Ministry of Transportation and Highways.

STRATEGIC CONTEXT

Statutory Mandate

The legislative framework and regulatory requirements pertaining to the Commission and its related duties and powers are established under the *Motor Carrier Act* (MCA), RSBC 1996, Chapter 315, and accompanying *Motor Carrier Act Regulations* (BC Regulations 59/59, 62/91 and 252/94), as amended.

Section 39(1) of the *Motor Carrier Act* vests the Commission with the duty to:

- promote adequate and efficient service to the public at just and reasonable charges;
- promote safety on the public highways; and
- foster sound economic conditions in the transportation industry.

Section 39(2) enables the Commission to make investigations, inquiries, regulations and orders to meet the above objectives.

The Commission also regulates and licences extra-provincial motor carriers (usually buses) under delegated authority from the federal government in accordance with the *Motor Vehicle Transport Act (1987)* of Canada.

Vision

The Commission has adopted the following vision statement to guide its regulation and licensing decisions respecting passenger motor carriers:

> *That communities in British Columbia have safe and sufficient passenger motor carrier services to meet their needs at a fair cost.*

Mission

The Commission's mission is to contribute to the safety and commercial vehicle passenger transportation needs of the public and to promote a healthy commercial passenger transportation industry in British Columbia.

Values

Fairness, public safety, vital passenger transportation industry, innovation, responsiveness, professionalism, diversity, stability, sustainability.

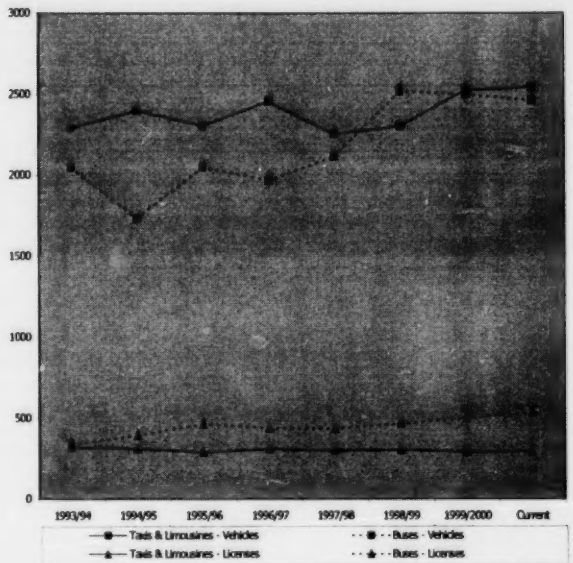
Environmental Scan

Industry Profile

Taxis and Limousines. Between 1992 and 2000, the number of motor carrier licenses issued to taxi and limousine companies has remained at approximately 300 licenses. The number of certificates issued (vehicles operated) to these 300 companies has slowly increased. In the past 10 years, the number of vehicles operated has increased 11%.

Buses. Between 1992 and 2000, the number of motor carrier licenses issued to bus companies has increased steadily with a total increase of 57%. The number of certificates issued (vehicles operated) has fluctuated greatly in the past 10 years resulting in a net increase of 6.5%.

Numbers of Motor Carrier Licenses and Vehicles



Technology

Growing use of internet and other technologies provides the motor carrier industry and the Commission new opportunities in many areas, including the conduct of business and government transactions, communications, information dissemination and advertising. At the same time, the proliferation of new technologies present challenges to businesses that wish to remain competitive in the marketplace, and for the Commission that aims to meet the changing service expectations of motor carrier licence holders and the public.

Regulatory Trends

Federal Bus Deregulation. Consultation between the Ministry of Transportation and Highways and scheduled and charter bus stakeholders regarding a federal government

proposal for national economic deregulation of the bus industry occurred in 1999. Those consultations led to the Ministry's opposition to federal deregulation of the bus industry. As it became apparent that the federal government would not proceed with its plan for national deregulation, British Columbia stakeholders recommended that the Motor Carrier Commission establish an advisory committee that would discuss industry concerns and develop proposals for streamlining of the bus industry in British Columbia.

The Bus Industry Advisory Committee (BIAC) has been meeting quarterly and will advise the Motor Carrier Commission of specific industry concerns arising from the regulatory framework under the *Motor Carrier Act*, and the operational and administrative practices of the Motor Carrier Commission and the Motor Carrier Department. BIAC has identified the following immediate priorities:

- Reduce red tape (Bus certificates and plates; and Commission approvals of bus tariff and schedule changes)
- Compliance and Enforcement
- Safety

BIAC aims to eventually discuss deregulation options as a long-term option for the bus industry.

National Safety Code (NSC) Reform. In February 1999, the Provincial Government announced steps to enhance commercial vehicle safety in the province. Safety measures which have been implemented include more extensive roadside inspections of commercial vehicles, more stringent penalties for unsafe brakes and measures to ensure improved and more consistent testing of commercial class driver licence applicants. The National Safety Code was enhanced to require new applicants to understand and commit to complying with safety standards and introduced a system for monitoring and improving carriers' safety practices.

Accessible Vehicle Regulations. Persons with disabilities sought improved safety standards for accessible taxis in the areas of vehicle design, securement devices, and ramp angles to ensure that access to transportation is consistently safe, efficient and equitable. As of late 1999, approximately 100 accessible taxis were operating in British Columbia. Many people with disabilities feel that enhanced taxi service and equipment are an effective way to improve transportation services for persons with physical disabilities.

Previously, British Columbia had adopted Canadian Safety Association (CSA) standards for accessible taxis as established in 1984. ICBC worked with the taxi industry, the community for persons with disabilities and Office of Disability Issues (ODI) that led to British Columbia's adoption of CSA standards that were developed in 1992 (standard D409-92) and 1995 (standard Z605-95). Division 44 was added to *the Motor Vehicle Act Regulations* in June 2000 to adopt the national standards for British Columbia.

The D409 standard requires accessible taxis to comply with full accessible taxi standards. New taxis will also have to meet standards relating to door and roof heights, ramp angles and the size of emergency exits for mini-van conversions. By January 1, 2004, all accessible taxis (existing and new) will be required to comply with the D409 standard.

This will require most existing accessible taxis to be replaced with new vehicles or extensively retrofitted.

The Z605 standard involves a mobility aid securement upgrade for existing accessible taxis. This upgrade will allow existing taxis to be used for another four years.

BC Streamlining Initiative. The Provincial Government's Streamlining Initiative began in May 1998 with the appointment of a Business Task Force to cut red tape and the cost of doing business in British Columbia. Of relevance to the Commission, the Task Force's strategic regulatory review identified the need to review signature requirements on government forms to prepare for a smooth transition to e-government. In addition, the *Regulatory Impact Statement Act* (1999) led to the development of a government policy that major regulatory changes are to be preceded by a regulatory plan and regulatory impact statement.

Municipal Taxi Exemptions. Bill 13 (Motor Carrier Amendment Act, 2000) removed the municipal taxi exemption from the *Motor Carrier Act*. This exemption allowed taxis and limousines operating exclusively within a municipality to operate without a motor carrier licence. Effective March 15, 2001, all taxis and limousines operating in British Columbia need a motor carrier licence to provide service to passengers.

Operators who were in business between June 15, 1998 and June 14, 1999 were eligible for an expedited application process. All other operators were required to apply through the regular application process.

Operators were given advance notice of this legislation's implementation on several occasions. On June 30, 2000, the Minister of Transportation and Highways wrote to all known municipal operators informing them of the upcoming changes resulting from Bill 13. On September 15, 2000, the Director and Secretary of the Motor Carrier Commission wrote to known municipal operators to outline the application process and on January 29, 2001 the Motor Carrier Commission issued a notice of "Deadlines for Applications by Municipal Taxi Operators" and mailed this notice to all municipal operators.

Taxi Study Recommendations. On June 15, 1999, the Minister of Transportation and Highways released a report "A Study of the Taxi Industry in British Columbia", prepared by a panel chaired by Stan Lanyon, Q.C. The report contained 56 recommendations. In response to the Lanyon report, the Ministry of Transportation and Highways established a Taxi Interim Advisory Committee (TIAC) to conduct follow-up consultation work with key stakeholders. TIAC met three times over the Summer and Fall of 1999 and prioritized the recommendations; recommended legislative changes; and approved a Discussion Paper on Training and Issues for People with Disabilities.

In June 2000, the Government introduced and passed the *Motor Carrier Act, 2000,* which addressed five of Lanyon's recommendations, the key one being the removal of the municipal exemption for taxis (discussed previously).

Recommendation 17 called for the establishment of a Taxi Advisory Committee

to work with the Motor Carrier Commission on matters of policy and planning. This recommendation was implemented on May 24, 2000 when the Commission chaired the first meeting of the Taxi Advisory Committee (TAC).

It is through this committee, that many of the remaining recommendations will be discussed/reviewed. Some recommendations, however, are not within the scope of the Commission's jurisdiction. These issues may not be directly addressed at TAC. If requested, the Commission will facilitate discussions between agencies and the industry.

TAC has identified three immediate priorities:

- Fare structure methodology
- Driver safety
- Service standards

Economic Trends

Rising Fuel Costs. Passenger vehicles with motor carrier authority in British Columbia use the following four types of fuel:

- 60% use diesel (most are bus operators)
- 15% use propane (50% of the taxi industry)
- 22% use gas
- 3% use natural gas

The past three years have seen a large increase in fuel prices, with the majority of the increase in the last year—approximately 20%. This has caused concern for motor carriers. The Commission has received more applications for tariff increases than normal.

Population

The population of British Columbia has been growing steadily for the past 6 years with a total increase of 7%. The fastest-growing Regional Districts are Squamish-Lillooet at 13%, Central Okanagan at 8.8%, Nanaimo at 6.7%, East Kootenay at 6.3%, Sunshine Coast at 6.2%, Central Coast at 6% and Columbia Shuswap at 6%.

Urbanization

British Columbia is increasingly an urban province, with approximately 80% of the population living in urbanized areas. Rapid growth is expected in the Lower Mainland, Vancouver Island, and the Okanagan. More modest growth is expected elsewhere, but everywhere in the province growth is concentrated in urbanized areas. In the coming years, this growth will place strains on existing transportation systems, especially in the Lower Mainland.

Transportation Industry Trends

The types of transportation services are ever expanding. The types of applications received by the Commission include shared ride services, limousine services using convertibles, sedan limousine services and many other innovative services.

Statistics Canada reports on the total revenues, expenses and net income for the taxi and limousine industry in 1997 and 1998. These statistics show a 14% increase in revenues ($139.1 million to $162.3 million) and a 20% increase in expenses ($115.6 million to 144.2 million). Net income for this industry dropped 23% in that period, from $23.5 million to $18 million.

For the charter bus industry, Revenue earned by scheduled inter-city bus carriers throughout Canada decreased from 1994 to 1998 by more than half while revenue earned by charter bus operations has quadrupled in the same time period. .The number of passengers carried by inter-city carriers and urban transit has also increased.

Tourism Growth

Overall tourism activity has increased slightly. The number of overnight visitors to BC increased 1.4%. Vancouver International Airport passenger volumes rose just 1.3% while the number handled in Victoria fell. The number of cruise ship passengers sailing through the Port of Vancouver rose 11% to exceed one million for the first time. Victoria is also a docking site for cruise ships. Campbell River and Prince Rupert have successfully negotiated development plans for cruise ship facilities with construction to start in 2001.

Activities such as wine-tourism in the Okanagan, skiing and new attractions such as adventures in British Columbia's wilderness and eco-tourism are gaining popularity in the world market. Many of these activities require motor carrier licensing.

KEY STRATEGIES & PERFORMANCE MEASURES

Commission Goals

The Commission has the following three goals:

1. Fair and Timely Decisions

Provide fair and timely consideration and adjudication of issues arising under the Motor Carrier Act.

2. Meeting the Objectives of the *Motor Carrier Act*

Provide efficient, cooperative, responsive and timely services in administering and enforcing the Motor Carrier Act.

3. Stakeholder Cooperation to Enhance Motor Carrier Regulation

Work cooperatively with industry, the public and other transportation interests to enhance the regulation of motor carriers in British Columbia.

The remainder of this section, Key Strategies and Performance Measures, expands on the three goals and sets out the Commission's strategies for achieving them over the next three years.

1. Fair and Timely Decisions

Provide fair and timely consideration and adjudication of issues arising under the Motor Carrier Act.

Measure 1.1: Efficient, Effective and Independent Tribunal Governance

2001/2002 Strategies:

1.1.1 Integrate the Reconsideration Panel with the Commission as a whole.

2002/2003 Strategies:

1.1.2 Establish a "good governance" memorandum of understanding (MOU) between the Commission and the Minister responsible for the Commission (see strategy 3.2.1).

2003/2004 Strategies:

1.1.3 Review MOU between the Commission and the Minister responsible for the Commission.

Ongoing Strategies:

1.1.4 Annual Review of MOU between MCC and ICBC.

1.1.5 Commission Chair participates as a member of the Circle of Chairs (of other regulatory tribunals).

1.1.6 Staff participation in activities and forums by the BC Council of

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Ongoing Strategies:

1.1.4 Annual Review of MOU between MCC and ICBC.

1.1.5 Commission Chair participates as a member of the Circle of Chairs (of other regulatory tribunals).

1.1.6 Staff participation in activities and forums by the BC Council of

Administrative Tribunals (BCCAT) and comparable associations that address tribunal governance matters.

1.1.7 New Commissioners sign a Code of Conduct upon appointment to the Commission.

1.1.8 Manage budget within allocated amounts.

Measure 1.2:
Fairness and Consistency in Commission Decisions

2001/2002 Strategies:

1.2.1 Disseminate a Commission policies and procedures manual to the public.

2002/2003 Strategies:

1.2.2 Implement a compilation of leading cases on key motor carrier issues.

Ongoing Strategies:

1.2.3 Annual updates of the Commission's policies and procedures manual.

1.2.4 Conduct at least one plenary each year to address the application of standards and policies that Commissioners apply in their decisions.

1.2.5 Each Commissioner to devote at least two days a year to the professional development of their adjudicative skills.

1.2.6 Staff to present at least two discussion papers to the Commission each year on major policy issues.

1.2.7 Continue to use the Commission web site and the public notice board in Burnaby to post Orders and reasons relating to licensing matters that go to a public hearing or reconsideration.

1.2.8 Conduct Commission meetings at least four times a year.

Measure 1.3:
Timely Decisions by the Commission

2001/2002 Strategies:

1.3.1 Work with ICBC to review Commission and Department policies, processes, and regulations as they relate to the timeliness of Commission decisions through both the file review and public hearing processes—and to identify strategies for reducing timelines.

1.3.2 Update the standard format and organization of Commission written reasons and Orders to enhance readability, clarity and consistency.

2002/2003 Strategies:

1.3.3 Work with ICBC to implement strategies for reducing the timelines for Commission decisions by file review and by public hearing (see strategy 1.3.1).

1.3.4 Develop a Commission intranet site to provide Commissioners with an option for quick and confidential sharing of decision drafts and information.

Ongoing Strategies:

1.3.5 Monitor timelines established for processing and investigating applications as set out in the MOU between the Commission and ICBC, and work with ICBC on remedial strategies, as needed.

1.3.6 Continue the practice of administrative file meetings of the Commission and Department to quickly identify the process by which the Commission will consider each application (see strategy 2.2.7).

2. Meeting the Objectives of the *Motor Carrier Act*

Provide efficient, cooperative, responsive and timely services in administering and enforcing the Motor Carrier Act.

Measure 2.1: Accessible Information, Documents and Forms

2001/2002 Strategies:

2.1.1 Finalize the structure of the Commission web site to enhance accessibility and usability.

2.1.2 Produce a series of public information brochures to enable industry and the public to better understand Commission regulatory and licensing practices—by publishing at least four easy-to-read publications in 2001/2002 (see strategies 2.1.6, 2.1.8 and 2.4.4).

2.1.3 Post an unofficial yet current copy of the *Motor Carrier Act* and the *Regulations* on the Commission web site.

2.1.4 Work with ICBC to study the feasibility of using electronic forms that can be completed and submitted "online" (see strategies 2.1.7 and 2.2.1).

2.1.5 Review and enhance the content, format and distribution of the Commission's weekly publication for industry; that is, the *Green Sheets*, or the *Summary of Motor Carrier Authority Decisions and Applications* (see strategies 2.1.9, 2.1.10 and 2.1.11).

2002/2003 Strategies:

2.1.6 Publish an additional two easy-to-read public information brochures about Commission regulatory and licensing practices. (see strategies 2.1.2 and 2.1.8).

2.1.7 Depending on the outcome of feasibility assessment in strategy 2.1.4, work with ICBC to implement electronic forms that can be completed and submitted "online".

2003/2004 Strategies:

2.1.8 Review and revise public information brochures about Commission regulatory and licensing practices, and publish an additional brochure, if required (see strategies 2.1.2 and 2.1.6).

Ongoing Strategies:

2.1.9 Weekly publication of the *Green Sheets* regarding motor carrier licence applications which will, from time to time, include Notices to Industry regarding policy or operational matters (see strategies 2.1.5 and 2.1.10 and 2.1.11).

2.1.10 Ongoing inclusion of Notices to Industry in the *Green Sheets* to update industry and the public on policy and operational matters as they arise (see strategies 2.1.5, 2.1.9 and 2.1.11).

2.1.11 Administer and update the Commission web site at least once a week as the primary clearing house for current motor carrier information, documents, forms and decisions—including the *Green Sheets*.

2.1.12 Monitor user statistics for the Commission web site to gauge user levels and trends.

Measure 2.2:
Streamlined Application Process

2001/2002 Strategies:

2.2.1 Complete a signature review of all forms to ensure that signatures are required only where necessary.

2.2.2 In consultation with the Taxi Advisory Committee, finalize a Taxi Cost Index (TCI) to establish a fair and efficient process to periodically allow taxi rate increases that are in step with increased taxi operating expenses (see strategy 2.2.5).

2002/2003 Strategies:

2.2.3 Develop an "electronic signature" policy (which is consistent with anticipated provincial legislation regarding electronic signatures).

2.2.4 Enhance the monitoring key points along the application process to ensure timely completion.

2.2.5 Implement the proposed TCI if it proves workable (see strategy 2.2.2).

2003/2004 Strategies:

2.2.6 Implement any measures that are required as a result of ongoing monitoring of the application process.

Ongoing Strategies:

2.2.7 Within 7 days of receiving a complete file, the Commission will decide whether to make an immediate decision, direct ICBC to investigate the application, or set the matter down for a public hearing (see strategy 1.3.6).

2.2.8 Regular review of application processing timelines to ensure consistent adherence to application timelines as set out in the MOU between the Commission and ICBC.

Measure 2.3: Regulatory Reform

2001/2002 Strategies:

2.3.1 Revise the *Motor Carrier Regulations* to implement streamlining initiatives—including measures to streamline the public hearing process and those that the Commission has adopted following consultations with industry.

2002/2003 Strategies:

2.3.2 Develop an options paper relating to the long-term regulatory directions of the Commission which outlines any legislative changes that may be required.

2.3.3 Seek authority for a broad consultation and a comprehensive review of the *Motor Carrier Act* and the *Regulations* (which would encompass strategy 2.4.6).

2003/2004 Strategies:

2.3.4 Depending on the outcome of strategy 2.3.2, undertake a comprehensive revision of the motor carrier legislation and regulations.

Measure 2.4: Compliance

Note: The Commission generally relies on ICBC to provide compliance and enforcement services according to standards set out in the MOU between the Commission and ICBC. For licensed carriers, the Commission has the authority to amend or suspend a licence, and after a show cause hearing, to cancel a licence. The Commission has no authority under the *Motor Carrier Act* to take action against commercial passenger carriers that operate without a motor carrier licence.

2001/2002 Strategies:

2.4.1 Formalize show cause hearing procedures to guide ICBC motor carrier enforcement personnel in

preparing an evidentiary package for the Commission to initiate licence cancellation proceedings.

2.4.2 Facilitate ICBC's development of industry-specific enforcement programs and related reference or policy manuals.

2.4.3 Work with the Motor Carrier Department to update the motor carrier audit process so that it is compatible with NSC audits that may be conducted at the same time.

2.4.4 As part of strategy 2.1.2, develop consumer bulletins to raise public awareness of motor carrier requirements and explain how they may confirm information or register a complaint.

2002/2003 Strategies:

2.4.5 Review enforcement and compliance statistics to determine whether service standards in the Commission's MOU with ICBC are being met.

2.4.6 Review the feasibility of amending the *Motor Carrier Act* to impose fines on both licensed and unlicensed carriers who violate the Act.

2003/2004 Strategies:

2.4.7 Subject to the outcomes for strategies 2.3.3 and 2.4.6, implement legislative changes relating to compliance with the *Motor Carrier Act.*

Ongoing Strategies:

2.4.8 Annual review of ICBC compliance with enforcement services and standards, as set out in the MOU between the Commission and ICBC.

2.4.9 At least every two years, conduct administrative show cause hearings (referred to as "bulk show cause hearings") to cancel the licences of inactive motor carriers.

2.4.10 As required, issue cease and desist orders, and amend or suspend licences, as required.

2.4.11 When applicable, conduct show cause hearings to cancel the licences of carriers that fail to comply with the *Motor Carrier Act.*

3. Stakeholder Cooperation to Enhance Motor Carrier Regulation

Work cooperatively with industry, the public and other transportation interests to enhance the regulation of motor carriers in British Columbia.

Measure 3.1: Cooperation with industry and public stakeholders

2001/2002 Strategies:

3.1.1 Continue to hold meetings with the taxi and bus advisory committees at least four times each year—with Commissioners as members.

3.1.2 Conduct a limousine forum to gauge the interest of limousine operators for ongoing consultations with the Commission.

3.1.3 Consult with representatives of the taxi industry, tourism, municipalities and others on the issue of the supply of taxis in the Lower Mainland, and based on these consultations, publish the Commission's findings and any new policies in a Notice to Industry.

2002/2003 Strategies:

3.1.4 Review the effectiveness of industry advisory committees with a view to merging committees into a single industry-wide committee.

Ongoing Strategies:

3.1.5 Provide notes and updates regarding consultation activities on the web site.

3.1.6 Ensure that recommendations of the Commission's advisory groups are brought forward at Commission meetings for consideration by the Commission as a whole.

Measure 3.2: Cooperation with Minister responsible for the Motor Carrier Commission

2002/2003 Strategies:

3.2.1 Establish a "good governance" memorandum of understanding (MOU) between the Commission and the Minister responsible for the Commission (see strategy 1.1.2).

Ongoing Strategies:

3.2.2 Provide general information to the Minister on Commission policy issues while maintaining independence on adjudicative matters.

Measure 3.3:
Cooperation with ICBC and other Governmental Bodies and Agencies

3.3.1 Consult with ICBC and other provincial ministries, agencies and municipalities on matters of mutual concern.